

JOSEPH WAGNER, )  
)  
Plaintiff, )  
)  
v. ) No. 2:07CV00055 ERW  
)  
RICH FERRARI and )  
JOSEPH LAMB )  
)  
Defendants. )

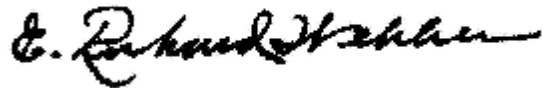
Before the Court is plaintiff's motion for reconsideration. Broadly interpreting the motion as one for relief from the order of dismissal under Federal Rule of Civil Procedure 60(b)(6), and further construing the relief sought as leave to amend the complaint, the Court will deny plaintiff's motions.

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 alleging deprivations of his constitutional rights. Plaintiff claimed that defendant Ferrari planted drugs on him while he was on parole and as a result, his parole was revoked. Plaintiff additionally asserted that defendant Lamb unlawfully failed to turn over exculpatory evidence during the revocation proceedings. The Court dismissed plaintiff's complaint as barred by Heck v. Humphrey, 512 U.S. 477 (1994), because a judgment in favor of plaintiff would necessarily implicate the validity of plaintiff's

confinement resulting from his parole revocation. See, e.g., Littles v. Bd. of Pardons and Paroles Div., 68 F.3d 122, 123 (5th Cir.1995); see also McGrew v. Texas Bd. of Pardons & Paroles, 47 F.3d 158, 161 (5th Cir.1995) (Heck bars § 1983 action challenging revocation of supervised release); Schafer v. Moore, 46 F.3d 43, 45 (8th Cir. 1995) (per curiam) (holding that Heck precludes § 1983 action which would impliedly invalidate a denial of parole as challenge to duration of confinement). Although plaintiff argues that the Court misconstrued the allegations in his complaint, he has not articulated his claims in a manner different than already construed by this Court. Nor has plaintiff articulated a manner in which he could amend his complaint such that the claims would not be subject to dismissal. Accordingly, plaintiff has not provided any grounds for granting his motion for reconsideration or request to amend his complaint. Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for reconsideration and/or to amend his complaint [Doc. #12] is **DENIED**.

So Ordered this 24th Day of January, 2008.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE